

RESOLUTION 2016-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL APPROVING SEVEN ORGANIZATIONS TO OPERATE FIREWORKS STANDS IN THE CITY OF BELL FOR THE YEAR 2016

WHEREAS, pursuant to Bell Municipal Code section 8.20.030, no person shall sell or offer to sell, any safe and sane fireworks without first obtaining a temporary use permit (TUP) from the City of Bell and approval from the City Council.

WHEREAS, the Masons of Bell, El Hussein Community Center, Bell Police Officers Association, Say Yes Center for Youth, Al Hadi School, IDS Battlefront Youth, and Southeast Youth Athletics, (the "Applicants") each filed a complete TUP application requesting the approval described herein ("Application");

WHEREAS, the applicants included the following locations to operate their proposed fireworks stands at 6201 Atlantic, 7019 Atlantic, 5093 Florence, 6200 King, 4200 Florence, 5121 Gage and 4300 Gage, respectively.

WHEREAS, all applications are on file with staff and were accepted from qualified organizations that propose to establish a fireworks stand within the city limit.

WHEREAS, all Organizations meet the minimum requirements as qualified organizations pursuant to Bell Municipal Code section 8.20.010.

WHEREAS, the seven applicant organizations will not exceed the maximum number of eight permits that the City Council is able to issue in any calendar year pursuant to Bell Municipal Code 8.20.080.

WHEREAS, an environmental assessment was conducted and staff determined that this activity is not a "Project" for purposes of the California Environmental Quality Act (CEQA) because it does not fit within the definition of a "Project" set forth in Public Resources Code Section 21065 or State CEQA Guidelines Section 15378.

NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY FIND, DETERMINE AND DECLARE AS FOLLOWS:

SECTION 1: Recitals

- a) All of the facts set forth in the recitals, are true and correct and are incorporated herein by reference.
- b) All necessary notifications have been conducted in compliance with State law and the Municipal Code of the City of Bell.

SECTION 2: CEQA Determination

An environmental assessment was conducted and it was determined that this activity is not a "Project" for purposes of the California Environmental Quality Act (CEQA) because it does not fit within the definition of a "Project" set forth in Public Resources Code Section 21065 or State CEQA Guidelines Section 15378.

SECTION 3: Approval

Based upon the foregoing recitals, the City Council hereby approves the applicants to operate a fireworks stand, subject to the conditions contained in Exhibit A which is attached and incorporated herein,

PASSED, APPROVED and ADOPTED this 21st day of June, 2016.

By: 
Alicia Romero, Mayor

APPROVED AS TO FORM

By: 
David Aleshire, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Angela Bustamante, Acting City Clerk of the City of Bell, hereby attest to and certify that the foregoing Resolution No. 2016-39 is the original resolution adopted by the Bell City Council at its special meeting held on the 21st day of June, 2016 by the following vote:

AYES: Councilmember Quintana, Vice Mayor Gallardo and Mayor Romero

NOES: None

ABSENT: Councilmembers Saleh and Valencia

ABSTAIN: None


Angela Bustamante, Acting City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

1. That the operation of the fireworks stand shall be conducted in accordance with the provisions of Chapter 8.20 of the Bell Municipal Code, attached hereto and made a part of this permit; and
2. That no fireworks stand shall have a floor area greater than two hundred fifty (250) square feet; and
3. That each fireworks stand less than forty (40) feet in length shall have at least two usable exits; each stand in excess of forty (40) feet in length shall have at least three usable exits; and
4. Fireworks stand shall be provided with two (2) fire extinguishers of a type and size approved by the fire chief.
5. Fireworks stands shall be located at least five hundred (500) feet apart; and
6. All weeds and other combustible material shall be cleared from the location of the stand, including a distance of at least twenty five (25) feet surrounding the stand; and
7. That "No Smoking" signs shall be prominently displayed on the exterior of each fireworks stand; and
8. That a "Fireworks Stand Permit" application shall be filed with the Los Angeles County Fire Department for review upon receipt of this approval; and
9. That no other person other than the licensed organization shall operate the fireworks stand for which the permit is issued, and person other than individuals who are members of the licensed organization shall participate in the operation of the fireworks stand; and
10. That an electrical permit shall be obtained from the Division of Building & Safety for the installation of temporary wiring and lighting in conjunction with the fireworks stand; and
11. That the fireworks stand shall be erected under the supervision of the building official who shall require that the fireworks stand be constructed in a manner which will reasonably ensure the safety of the attendants and patrons thereof. An inspection is required from the Building and Safety Division, that it shall be obtained at least 24 hours prior to the starting date indicated above; and
12. That the fireworks stand shall be supervised twenty-four (24) hours a day until the Fireworks Stand is dismantled; and
13. That the Fireworks Stand shall not be inhabited overnight but only supervised; and

14. That all persons working the fireworks stand shall be at least eighteen(18) years old, and no persons under the age of eighteen (18) years shall participation in the operation of the fireworks stand; and
15. That the sale or consumption of alcoholic beverages in or adjacent to the fireworks stand and on public right-of-way, shall be prohibited at all times; and
16. That signs in conjunction with the fireworks stand, and the sale of fireworks, shall be prohibited on the public right-of-way, to include but not limited to utility and lighting poles; and
17. That the proposed use shall be conducted entirely within the boundaries of the subject property, and shall not encroach onto any other private or public right-of-way; and
18. That the fireworks stand shall be located at the approved site location, pursuant to the attached Site Plan; and
19. That no fireworks stand shall be located within ten(10) feet of any other building or within one hundred (100) feet of any gasoline service station, or other use which involves the use or storage of any flammable liquid or material; and
20. That any trash and debris from the proposed temporary use shall be cleaned from the subject site, as well as surrounding properties and public right-of-way throughout each day of activities; and
21. That fireworks shall not be sold prior to 12:00 P.M. on June 28, 2016 and such sale shall cease at 12:00 A.M. on July 5, 2016; and
22. That all unsold stock and accompanying litter shall be removed from the stand and from the City limits by twelve noon on July 6, 2016; and
23. That each firework stand shall be removed from its temporary location no later than twelve noon on July 28, 2016 and all accompanying litter shall be cleared from such location by such time and date; and
24. That damages caused to any public improvements shall be repaired and/or replaced in accordance with City standards; and
25. That prior to commencing the sale of fireworks, the fireworks and the stand shall be inspected and approved by inspectors from the City of Bell and the Los Angeles County Fire Department.
26. That the applicant shall provide an accounting report to the City, indicating how the proceeds from the fireworks stands were spent or budgeted for expenditure, no later than April 30, 2017 of each year following the usage of each permit issued. A failure to timely provide such accounting shall be grounds for denial of permits.
27. The sell or offer to sell of dangerous fireworks shall be prohibited.